



House of Representatives

HB 2088

well administration and enforcement

Sponsors: Representatives O'Halleran, Carruthers, Gullett, et al

dpa Committee on Natural Resources, Agriculture, Water & Native American Affairs

w/d Committee on Environment

dpa Committee on Appropriations

dpa

Caucus and COW

dp

Third Read

dp

As Passed the House

x

As Transmitted to the Governor

This bill as introduced contains *a PROP 108 clause*.

HB 2088 creates a Well Administration and Enforcement Fund administered by the Arizona Department of Water Resources (ADWR). The fund consists of monies collected in fees established by this bill. Establishes the fee to file a Notice of Intention (NOI) to drill a well or to apply for a permit to drill a well. The bill will become effective immediately upon signature of the Governor.

History

Before a person can drill or deepen a well in Arizona, that person must either file a Notice of Intention to drill or apply for a permit. Both a NOI and an application for a permit must contain names and mailing addresses of both the filer and the owner of the land, a legal description of the land and the location of the well, and depth, diameter and type of casing of the proposed well. Additionally either requires construction onset date, the proposed uses of the groundwater, name and license number of the well driller and the design pumping capacity of the well.

Notice of Intention

Current statute requires a person to file a NOI with ADWR in all areas, regardless of active management status, prior to drilling, deepening or replacing any well that does not require a permit. If the NOI contains all required information a drilling card will be mailed to the requesting party. The well must be completed within one year of receiving the drilling card.

Permit

A permit is required if a person is constructing a new well or a replacement well in a new location and has grandfathered groundwater rights in an active management area, groundwater rights within a service area, or is drilling a well for general industrial use. The well must be completed by the date specified on the permit application.

Provisions

- Creates a Well Administration and Enforcement Fund (Fund), which is administered by ADWR. The Fund is to be held separately from other ADWR funds and is exempt from lapsing. Interest earned by monies in the Fund remain in the Fund. This Fund may be used for:
 - Implementing the Groundwater Code.
 - Monitoring, investigating and enforcing compliance with construction, replacement, deepening and capping of wells.
- Establishes a fee of one hundred fifty dollars to file a Notice of Intention to drill (NOI) in an Active Management Area (AMA) or an Irrigation Nonexpansion Area (INA) or to apply for a permit to drill a well. Monies will be deposited into the Fund.
- Establishes a fee schedule for filing a NOI for domestic wells with a maximum capacity of thirty five gallons per minute that are outside of an AMA or an INA as follows:
 - Fifty dollars if filed before July 1, 2004;
 - Seventy five dollars if filed between July 1, 2004 and June 30, 2005;
 - One hundred dollars if filed on or after July 1, 2005.
- Requires the Director to receive the established fee before making a determination on a NOI or endorsing an application for a permit.
- Allows persons drilling mineral exploration wells to file a single NOI for multiple wells that are part of the same project and are located in a single section of land.
- Specifies that all information required for a NOI applies to each mineral exploration well included in a multiple well NOI.
- Clarifies that fees established by this bill supercede fees adopted under ARS 45-113, which states that the Director of ADWR shall establish fees for applications, licenses or permits by rule.
- Contains a Prop 108 clause, which requires a two-thirds affirmative vote in both houses for passage and is effective upon signature of the Governor. To override a gubernatorial veto a three-fourths affirmative vote in both houses is required.

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